

# **NOTICE OF NORTH CANTON CITY SPECIAL COUNCIL MEETING**

**Monday, June 1, 2015, 7:00 p.m., City Hall**

## **Agenda**

1. Call to Order
2. Roll Call
3. Old Business:
4. **Ordinance No. 33 - 2015 – 2<sup>nd</sup> Reading – Ordinance, Rules and Claims Committee**

An ordinance authorizing the Director of Finance of the City of North Canton to implement the Generally Accepted Accounting Principles (GAAP) conversion plan recommended by the Ohio Auditor of State.

5. New Business:
6. **Ordinance No. 35 - 2015 – 1<sup>st</sup> Reading – Community and Economic Development Committee**

An ordinance authorizing the Director of Permits and Development of the City of North Canton to waive bonding and fee requirements associated with the razing and demolition of properties purchased and demolished as part of the Home Mitigation Grant Program ("HMGP") as permitted in Chapter 1303, Razing of Buildings, of the codified ordinances of the City of North Canton, and declaring the same to be an emergency.

7. **Ordinance No. 36 - 2015 – 1<sup>st</sup> Reading – Ordinance, Rules and Claims Committee**

An ordinance implementing the Personal Information Policy of the City of North Canton Personnel Handbook and declaring the same to be an emergency.

8. **Ordinance No. 37 - 2015 – 1<sup>st</sup> Reading – Street and Alley Committee**

An ordinance approving, confirming and accepting a perpetual public utility easement, known as Parcel No. 9280795, and being part of Lot No. 523, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), and the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

9. **Ordinance No. 38 - 2015 – 1<sup>st</sup> Reading – Street and Alley Committee**

An ordinance approving, confirming and accepting a perpetual public utility easement, known as Parcel No. 10006297, and being part of Lot No. 7080, by and between the City of North Canton, and Ohio charter municipal corporation ("City"), and the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

10. **Ordinance No. 39 - 2015 – 1<sup>st</sup> Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Canton-Akron Airport Water System Improvement Project, at a total cost not to exceed \$75,000, and declaring the same to be an emergency.

11. Adjourn

North Canton City Council  
Community and Economic Development Committee

Ordinance No. 35 - 2015

An ordinance authorizing the Director of Permits and Development of the City of North Canton to waive bonding and fee requirements associated with the razing and demolition of properties purchased and demolished as part of the Home Mitigation Grant Program ("HMGP") as permitted in Chapter 1303, Razing of Buildings, of the codified ordinances of the City of North Canton, and declaring the same to be an emergency.

WHEREAS, the City of North Canton desires to waive bonding and fee requirements associated with the razing and demolition of properties purchased as part of the HMGP; and

WHEREAS, Stark Parks received approval through the HMGP to purchase and demolish homes located within the Zimmer ditch floodplain.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Director of Permits and Development of the City of North Canton, be, and is hereby authorized to waive bonding and fee requirements associated with the razing and demolition of properties purchased as part of the HMGP.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for Stark Parks to promptly begin the demolition and storm water mitigation program during favorable weather conditions; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Ordinance, Rules and Claims Committee

Ordinance No. 36 - 2015

An ordinance implementing the Personal Information Policy section of the City of North Canton Personnel Handbook and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO.

Section 1. That the Personal Information Policy section of the City of North Canton Personnel Handbook, be, and the same is hereby included to read as follows:

**A. PURPOSE.**

This policy pertains to the City of North Canton's personal information systems and is designed to provide rules that comply with Ohio law and enhance the City's ability to: (1) monitor the accuracy, relevance, timeliness, and completeness of the personal information it maintains; (2) ensure reasonable precautions are taken to protect personal information from unauthorized modification, destruction, use, or disclosure; (3) collect, maintain, and use only personal information necessary and relevant to the functions the City is required or authorized to perform; and (4) eliminate personal information from the system when it no longer is necessary and relevant to those functions. These rules shall not, however, prohibit the release of public records as defined by the Ohio Public Records Act, R.C. 149.43, et seq., or authorize a public body to hold an executive session for the discussion of personal information if the session is not authorized under division (G) of section 121.22 of the Revised Code, as may be amended from time to time.

"Personal information" is any information that describes a person, indicates actions done by or to a person, or indicates a person possesses certain personal characteristics, and which contains a name that may be retrieved from a system by name or other identifier assigned to a person. "Confidential personal information" means personal information that is not a public record for purposes of section 149.43 of the Revised Code.

"System" means a collection or group of related records kept in an organized manner from which personal information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual, and includes paper records and those stored using electronic data processing equipment.

**B. APPLICATION.**

The Director of Finance is responsible for City's public information systems and serves as the supervisory individual who may authorize employees and public officials' access to personal information beyond the express provisions of these rules, and state certain criteria for determining which public employees and officials may access the personal information system.

**C. PERSONAL INFORMATION PROTECTION.**

The Director of Finance shall serve as City's data privacy point of contact for personal information systems to ensure it the City's employees' and public officials' confidential personal information is protected in compliance Chapter 1347 of the Ohio Revised Code, Personal Information Systems.

The Director shall ensure that any upgrades to the City's existing computer systems, or the acquisition of any new computer systems, that store, manage, or contain confidential personal information, shall include a mechanism for recording specific access by City employees and public officials to confidential personal information.

The Director shall see that personal information collected, maintained, and used is only the amount necessary and relevant to the applicable department's duties and which it is required or authorized to perform, and shall eliminate personal information when it is no longer necessary and relevant to those functions.

The Director shall insure that a person asked to supply personal information for a City information system is informed whether the person is legally required to supply the information, or if the person may refuse.

The Director shall also establish a training program for all employees and public officials that may obtain access to a confidential personal information system so that they are made aware of all applicable statutes, rules, and policies governing access to confidential personal information.

#### **D. ACCESSING PERSONAL INFORMATION.**

The Director of Finance is the person responsible for the personal information system and shall be the supervisory person responsible for access to the City's personal information systems not specifically granted in these rules. Within these rules, access to personal information is as follows:

1. By necessity of their roles, the Directors of Finance and Administration, the Payroll Manager, and the Fire Chief shall have access to their respective department's personal information systems, which include employee personnel records, payroll and benefit data, and emergency medical run information.
2. The Director of Finance may authorize limited access to the personal information systems when necessary to support the Director or Payroll Manager. Authorization shall be in writing and specifically identify the employee by name and position, the scope of access authorized, and the time period. The authorized employee shall access personal information for official use only and not beyond the scope of the authorization. Temporary computer passwords shall be provided for limited access to the payroll system and shall promptly be reset at the end of the temporary period.
3. The Director of Administration, the Director's assistant, the Mayor's assistant, and the Fire Chief's designated EMS run assistant shall have access to the applicable personal information systems when necessary for official use.
4. Members of City Council and the Directors of Administration and Law are authorized access to information for official use and necessary to their investigations, or inquiries regarding employee files that may contain personal information.
5. City employees and officials are authorized access to their own records that contain confidential personal information.

Paper records containing confidential personal information shall be maintained in locked cabinets. Other than the Directors of Administration and Finance, Payroll manager, and Fire Chief, and their designated assistants, which access these files daily, each public employee or official desiring access to a paper record containing confidential personal information shall obtain such record from the applicable Directors of Administration or Finance, the Payroll Manager, and the Fire Chief, who shall maintain a log of the record obtained, by whom, and the stated purpose.

#### **E. RESPONDING TO REQUESTS.**

The Directors of Administration and Finance, the Payroll Manager, and the Fire Chief shall follow R.C. 1347.08, Rights of persons who are subject of personal information, R.C. 1347.09, Disputing information, and R.C. 149.43, Ohio Public Records Act, in responding to requests for personal information. The Directors of Finance and Law shall review any such requests, other than for employees or public officials to view their own personal records. The applicable department shall respond to such a request in writing and within a reasonable time period.

#### **F. IMPROPER ACCESS.**

Should any employee or public official have a reasonable belief that personal information has been accessed for other than official use, the discoverer shall promptly advise the Directors of Finance and Law and the affected employee or official in accordance with R.C. 1347.12.

#### **G. DISPUTING INFORMATION.**

If a person disputes the accuracy, relevance, timeliness, or completeness of the person's own information that the City maintains in a personal information system, the applicable department shall clearly and conspicuously disclose to the disputant the right to request the department investigate the information. Within a reasonable time, but not later than ninety days after receiving the request, the applicable department conduct a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete, and shall notify the disputant of the results of the investigation and of the action that the department plans to take with respect to the disputed information. The presence of contradictory information in the disputant's file does not alone constitute reasonable grounds to believe that the dispute is frivolous or irrelevant. However, the department shall delete any information that it cannot verify or that it finds to be inaccurate.

If after an agency's determination, the disputant is not satisfied, the agency shall do either of the following:

- (1) Permit the disputant to include within the system a brief statement regarding the disputed information. The department may limit the statement to not more than one hundred words if it assists the disputant in writing a clear summary of the dispute.
- (2) Permit the disputant to include within the system a notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete. The department shall maintain a copy of the disputant's statement of the dispute. The department may limit the statement to not more than one hundred words if it assists the disputant in writing a clear summary of the dispute.

The department shall include the statement or notation in any subsequent transfer, report, or dissemination of the disputed information, and may include with the statement or notation of the disputant a department statement that it has reasonable grounds to believe that the dispute is frivolous or irrelevant, and of the reasons for its belief.

Following the deletion of information found inaccurate or the accuracy of which can no longer be verified, or if a disputant files a statement of dispute, the department shall, at the disputant's written request, furnish notification that the information has been deleted, or furnish a copy of the disputant's statement of the dispute, to any person the disputant specifically designates.

#### **H. DISCIPLINARY MEASURES.**

All employees and public officials shall be provided with a copy of these rules, acknowledge receipt thereof, and that they shall promptly read and follow the rules. Violations of these rules subject the offending employee or public official to discipline, civil, and criminal sanctions. An employee or public official who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public evidence of unauthorized use of personal information shall be subject to suspension or possible removal. No collective bargaining agreement entered into under Chapter 4117 of the Revised Code on or after the effective date of this section shall prohibit disciplinary action against or termination of a City employee or public official found to have accessed, disclosed, or used personal confidential information in violation of this policy or as otherwise prohibited by law.

An employee or public official who complies in good faith with a rule applicable to its department is not subject to criminal prosecution or civil liability under this policy.

#### **I. EXEMPTIONS FROM THIS POLICY.**

Because of their principal functions relating to enforcing criminal laws, including police efforts to prevent, control, or reduce crime, or to apprehend criminals, the Police Department, and data systems relating to Mayor's Court are exempt from the provisions of this policy.

**J. POLICY POSTING AND DISTRIBUTION.**

The Director of Finance shall distribute the policies included in the rules adopted herein to each employee and public official and shall require that the employee or public official acknowledge receipt of the copy of the policies. The City shall create a poster that describes these policies and post it in a conspicuous place in City Hall, Station 1 - Fire Division, Station 2 - EMS Division, the Service Center, the Water Treatment Plant, and the Civic Center. This policy shall be included in the employee handbook and on the City's Internet web site.

- Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to promptly include the Personal Information Policy into the North Canton Personnel Handbook, and educate all City employees regarding the City's policy to comply or exceed therewith; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Street and Alley Committee

Ordinance No. 37 - 2015

An ordinance approving, confirming and accepting a perpetual public utility easement, known as Parcel No. 9280795, and being part of Lot No. 523, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), and the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a perpetual public utility easement, known as Parcel No. 9280795, by and between the City, and North Canton Community Improvement Corporation, be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement are attached hereto and incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary timely to meet an accelerated purchase and sale agreement and protect the City's property rights, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

ALAN HAROLD  
Stark County Auditor  
FEE 1

Instr: 201505050016647  
P: 1 of 4 F: \$44.00 05/05/2015  
Rick Campbell 1:53PM ERSE  
Stark County Recorder T20150015754

MAY 05 2015

TRANSFERRED  
TRANSFER NOT NECESSARY  
DEPUTY KB  
IN COMPLIANCE WITH OHC §18.202

**PERPETUAL UTILITY EASEMENT**  
Across Parcel No. 9280795

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, **NORTH CANTON COMMUNITY IMPROVEMENT CORPORATION**, an Ohio Non-Profit Corporation, GRANTOR, does hereby give and grant unto **THE CITY OF NORTH CANTON**, an Ohio municipal corporation, GRANTEE, a perpetual utility easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will an overhead communication cable, and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain the cable and appurtenances in accordance with the ordinances, rules, and regulates of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such utility and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

**SEE ATTACHED EXHIBIT "A"**

It is agreed by and between Grantor and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantor, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantor, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantor to place driveways, parking areas, or walkways in said easement. Grantor shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantor may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantor shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.

004848

5/5/15 - JTW  
9280795- NC/100-043700-  
EASEMENT

Instr: 2015050016647 05/05/2015  
P: 2 of 4 F: \$44.00 1:53PM EASE  
Rick Campbell T20150015754  
Stark County Recorder

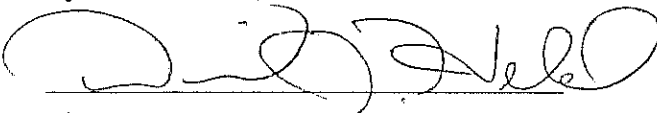
6. That this grant shall be binding upon the Grantor and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.
7. That Grantor covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantor further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
8. That these easements are subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this easement this 5<sup>th</sup> day of MAY, 2015.

**GRANTOR(S):**

North Canton Community Improvement Corporation

By: David J. Held, President



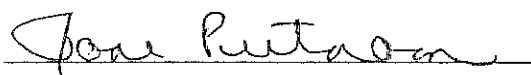
(Signed Name)

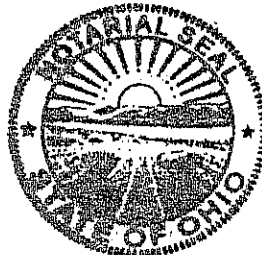
**NOTARY:**

STATE OF OHIO )  
) SS:  
COUNTY OF Stark )

Before me, a Notary Public in and for said County, personally appeared David J. Held, President of North Canton Community Improvement Corporation, who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 5<sup>th</sup> Day of May, 2015.

  
Notary Public JANE PUTNAM



Jane Putnam  
Notary Public, State of Ohio  
My Commission Expires 12-17-2017

This instrument prepared by: City of North Canton  
145 North Main Street  
North Canton, OH 4720



Instr: 201505050016647 05/05/2015  
P: 4 of 4 F: \$44.00  
Rick Campbell 1:53PM EASE  
Stark County Recorder T20150015754

## DESCRIPTION OF A 0.016 ACRE UTILITY EASEMENT

May 4, 2015

Situated in the City of North Canton, County of Stark and State of Ohio, and being part of North Canton City Lot Number 523, also being part of a tract of land conveyed to North Canton Community Improvement Corporation by Instrument Imaging Number 201503250010549, of the Stark County records, and described as follows:

**Beginning** at the northwest corner of said City Lot Number 523, witnessed by a 1-inch bar found 0.14 feet south, 3.11 feet west;

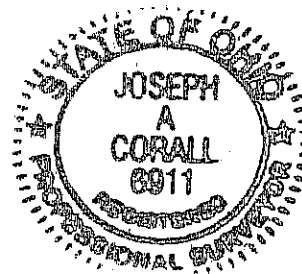
1. Thence S 88°28'40" E, along the north line of said City Lot 523 and the south line of Alley Number 34 (12 foot right of way), a distance of 8.00 feet to a point;
2. Thence S 03°04'05" W, with a new easement line through said City Lot 523, a distance of 107.34 feet to a point on the south line of said City Lot 523 and the north line of Harmon Street SW (40 foot width);
3. Thence N 88°28'40" W, along the south line of said City Lot 523 and said north line of Harmon Street SW, a distance of 5.00 feet to point at the southwest corner of said City Lot 523;
4. Thence N 01°27'59" E, along the west line of said City Lot 523, and the east line of North Canton City Lot 522, a distance of 107.30 feet to **Place of Beginning**.

The above parcel contains 0.016 acres, none of which is in the public right of way, as surveyed under the supervision of Joseph A. Corall, P.S. No. 6911 of Hammontree and Associates, Ltd., Engineers, Planners and Surveyors of North Canton, Ohio in April, 2015.

This parcel is subject to all easements and right-of-ways of record. The basis of bearings for the above survey is the Ohio State Plane Coordinate System, North Zone (3401), NAD 83 (2011).

  
\_\_\_\_\_  
Joseph A. Corall, Ohio P.S. No. 6911

5-1-2015  
Date



# EXHIBIT 'A'

PLACE OF BEGINNING ALLEY NO. 34 - 12' R/W

-1" IRON BAR FD.  
0.75' TFS, 3.63' TFW

Instr:201505050016647  
P:3 of 4 F:\$44.00 05/05/2015  
Rick Campbell 1:53PM EASE  
Stark County Recorder T20150015754

OVERHEAD TELE.  
LINE & POLES

PROPOSED  
UTILITY  
EASEMENT  
0.016 ACRES  
697 SQ. FT.

LOT 523

NORTH CANTON  
COMMUNITY  
IMPROVEMENT  
CORPORATION  
0.136 ACRES

I.I.N. 201503250010549  
PPN 9280795

*LEGEND*

○I.P.F. 5/8" REBAR W/ "H&A" CAP FD.

### BASIS OF BEARINGS:

OHIO STATE PLANE COORDINATE SYSTEM,  
NORTH ZONE (3401), NAD83 (2011).

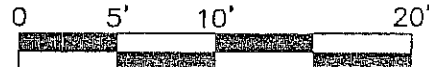
-5.00'

Ex R/W

N 88° 28' 40" W 55.00'

HARMON ST. S.W. - R/W 40'

SCALE: 1 INCH = 10'



R: \STARK\CITY\NORTH CANTON\100\NORTH CANTON MAPLE ST. REPLAT\NORMAPSU-BASE-EASEMENT-TEMP.dgn

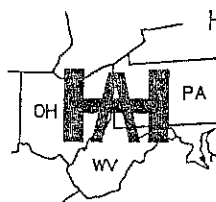
MAP OF SURVEY

PROPOSED TEMPORARY EASEMENT

FOR: THE CITY OF NORTH CANTON

BEING PART OF LOT 7080

CITY OF NORTH CANTON, STARK CO., OHIO



HAMMONTREE & ASSOCIATES, LIMITED

ENGINEERS, PLANNERS, SURVEYORS

5233 STONEHAM RD. NORTH CANTON, OH 44720  
PHN: (330) 499-8817 FAX: (330) 499-0149

www.hammontree-engineers.com

North Canton City Council  
Street and Alley Committee

Ordinance No. 38 - 2015

An ordinance approving, confirming and accepting a perpetual public utility easement, known as Parcel No. 10006297, and being part of Lot No. 7080, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), and the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a perpetual public utility easement, known as Parcel No. 10006297, by and between the City, and North Canton Community Improvement Corporation, be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement are attached hereto and incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary timely to meet an accelerated purchase and sale agreement and protect the City's property rights, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

Instr: 201505050015546  
P: 1 of 4 F: \$44.00 05/05/2015  
Rick Campbell 1:53PM EASE  
Stark County Recorder T20150015754

ALAN HAROLD  
Stark County Auditor  
FEE 1

MAY 05 2015

TRANSFERRED-  
TRANSFER NOT NECESSARY  
DEPUTY KB  
IN COMPLIANCE WITH OMC 312.202

**PERPETUAL UTILITY EASEMENT**  
Across Parcel No. 10006297

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, NORTH CANTON COMMUNITY IMPROVEMENT CORPORATION, an Ohio Non-Profit Corporation, GRANTOR, does hereby give and grant unto THE CITY OF NORTH CANTON, an Ohio municipal corporation, GRANTEE, a perpetual utility easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will an overhead communication cable, and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain the cable and appurtenances in accordance with the ordinances, rules, and regulates of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such utility and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

**SEE ATTACHED EXHIBIT "A"**

It is agreed by and between Grantor and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantor, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantor, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantor to place driveways, parking areas, or walkways in said easement. Grantor shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantor may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantor shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.

004847

- 6. That this grant shall be binding upon the Grantor and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.
- 7. That Grantor covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantor further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
- 8. That these easements are subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this easement this 5<sup>th</sup> day of May, 2015.

GRANTOR(S):

North Canton Community Improvement Corporation

By: David J. Held, President

[Signature]  
(Signed Name)

NOTARY:

STATE OF OHIO )  
 ) SS:  
COUNTY OF Stark )

Before me, a Notary Public in and for said County, personally appeared David J. Held, President of North Canton Community Improvement Corporation, who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 5<sup>th</sup> Day of May, 2015.

[Signature]  
Notary Public  
Printed Name: Jane Putnam



Jane Putnam  
Notary Public - State of Ohio  
My Commission Expires 12-17-2017

This instrument prepared by: City of North Canton  
145 North Main Street  
North Canton, OH 4720

DESCRIPTION OF A 0.010 ACRE UTILITY EASEMENT  
May 1, 2015

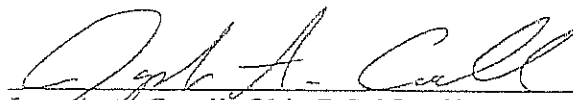
Situated in the City of North Canton, County of Stark and State of Ohio, and being part of North Canton City Lot Number 7080, also being part of a tract of land conveyed to North Canton Community Improvement Corporation by Instrument Imaging Number 201503250010549, of the Stark County records, and described as follows:

Beginning at a 5/8-inch rebar with cap inscribed "H&A LTD" found at the northwest corner of said City Lot 7080, said point also being the southwest corner of North Canton City Lot 7079 also conveyed to North Canton Community Improvement Corporation by Instrument Imaging Number 201503250010549;

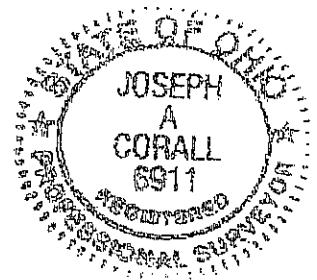
1. Thence S 82°24'19" E, along the north line of said City Lot 7080 and the south line of said City Lot 7079, a distance of 3.02 feet to a point;
2. Thence S 01°31'20" W, with a new easement line through said City Lot 7080, a distance of 149.68 feet to a point on the south line of said City Lot 7080;
3. Thence N 88°28'40" W, along the south line of said City Lot 7080 and the north line of Alley Number 34 (12 foot right of way), a distance of 3.00 feet to rebar with cap inscribed "H&A LTD" set at the southwest corner of said City Lot 7080;
4. Thence N 01°31'20" E, along the west line of said City Lot 7080, and the east line of a parcel as conveyed to PNB Inc. by Instrument Imaging Number 201503040007761 of the Stark County Records, a distance of 150.00 feet to Place of Beginning.


The above parcel contains 0.010 acres, none of which is in the public right of way, as surveyed under the supervision of Joseph A. Corall, P.S. No. 6911 of Hammontree and Associates, Ltd., Engineers, Planners and Surveyors of North Canton, Ohio in April, 2015.

This parcel is subject to all easements and right-of-ways of record. The basis of bearings for the above survey is the Ohio State Plane Coordinate System, North Zone (3401), NAD 83 (2011).

  
Joseph A. Corall, Ohio P.S. No. 6911

5-1-15  
Date



  
Instr: 201505050016548  
P: 4 of 4 F: \$44.00 05/05/2015  
Rick Campbell 1:53PM EASE  
Stark County Recorder T20150015754

WEST MAPLE ST. - R/W 40'



5233 STONEHAM RD. NORTH CANTON, OH 44720  
PHN: (330) 499-8817 FAX: (330) 499-0149  
TOLL FREE: 1-800-394-8817  
[www.hammontree-engineers.com](http://www.hammontree-engineers.com)

North Canton City Council  
Water, Sewer and Rubbish Committee

Ordinance No. 39 – 2015

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Canton-Akron Airport Water System Improvement Project, at a total cost not to exceed \$75,000, and declaring the same to be an emergency.

WHEREAS, CAK Airport Water System requires an upgrade; and

WHEREAS, the City desires to enter into a contract for the Canton-Akron Airport Water System Improvement Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the office of the Director of Administration, for the Canton-Akron Airport Water System Improvement Project.

Section 2. That the Mayor of City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the Canton-Akron Airport Water System Improvement Project, at a total cost not to exceed \$75,000.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

651	WATER EXP. REPL & IMPROVEMENT FUND	
651.767.5502	Facilities – Inside Waterlines	\$75,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely completion of the Canton-Akron Airport Water System Improvement Project; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council